

REMARKS

Claims 1, 2, 5, 8-11, 14, 15, 17 and 18 are pending in this application. Claims 1 and 10 are amended herein. Upon entry of this amendment, claims 1, 2, 5, 8-11, 14, 15, 17 and 18 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. The amendments to claims 1 and 10 correct minor typographical errors introduced in the Amendment of March 17, 2010. Specifically, the amendment “about 50 to about 80 °C” is made once in each of these claims.

Claims 1, 2, 5, 8-11, 14, 17 and 18 are rejected under 35 U.S.C. '103(a) as being unpatentable over Tomioka (U.S. Pat. No. 5,079,030) in view of Carpenter (U.S. Pat. No. 5,320,673) and Takashi et al. (JP Pub. No. 2001-149857) and Noritake et al. (JP 2003-117481).
(Office action paragraph no. 1)

Reconsideration of the rejection is respectfully requested. The present amendments to the claims only correct minor typographical errors and do not change the scope of the claims.

In the rejection, the Examiner asserts the following:

(a) Tomioka teaches application of a coating composition to an amount greater than 5 μm in a first step. However, Tomioka still teaches applying, after the first step, a coating to a substrate in two stages where the coating applied in each stage is from 0.3 to 5 μm . In contrast, the presently presented claims do not exclude a step prior to step (1) of applying a coating composition to a thickness of greater than 5 μm (page 3, lines 3 to 14 of the Office Action); and

(b) "[t]he applicant's [sic] are arguing unexpected results from their presently claimed invention. However, the independent claim is broadly claiming any ... composition, wherein the base

coating is applied in two to five stages, wherein the coating applied in each stage becomes 0.3 to 5 microns when cured. However, the declaration has only potentially provided unexpected results ... specifically for where the coating is only applied in 2 stages" (page 2, lines 5 to 11 of the "Response to Amendment" section of the Office Action).

In response to these points, Applicant respectfully: a) argues that the Examiner has misconstrued a portion of the recitation of the claims; and b) provides evidence further supporting the previous argument that there are remarkable effects (highly dense texture and flip-flop property) commensurate with the scope of the present claims.

Regarding Examiner's assertion (a)

On pages 2-4, the Examiner presents the following remarks under the heading "Response to Arguments":

"The Examiner agrees that Tomioka does teach application of a base coating composition to an amount greater than 0.3 to 5 microns in a first step. However, Tomioka still teaches applying an aqueous luster base coating to a substrate in two stages where the coating applied in each stage is from 0.3 to 5 microns, The presently presented claims **do not exclude a step prior to step (1)** of applying the same luster base coating composition in one stage (1) to a thickness of greater than 5 microns." (Emphasis added)

Applicant respectfully disagrees. Step (1) of claim 1 recites: "(1) applying an aqueous luster thermosetting base coating composition (A) ... **to a substrate** in two to five stages" (emphasis added).

This recitation requires that the first of these stages be applied directly **to a substrate**, and the term "substrate" can be understood to mean a material that does not already have a layer of coating

composition (A). Therefore, the claim language **does, in fact, exclude a step prior to step (1)** of applying the same luster base coating composition.

Similarly, step (3) recites: “(3) applying an aqueous luster thermosetting base coating composition (C) ... **to the uncured or heat-cured coating layer of the clear coating composition (B)** in two to five stages ...” (emphasis added)

Again, this wording requires that the first of the stages in step (3) is applied to the product of step (2), and the product of step (2) cannot already have a layer of coating composition (C).

Applicant respectfully submits that the Examiner has ignored the wording of the claims in his argument. These limitations of claim 1 represent a clear difference between claim 1 and Tomioka.

Regarding Examiner's assertion (b)

The Examiner has stated that the previously submitted Declaration under 37 CFR 1.132 only demonstrates unexpected results in the case where the coating is applied in two stages. To further demonstrate that the unexpected results of the present invention are commensurate in scope with the claims, Applicant here submits additional evidence in a new Declaration under 37 CFR 1.132, by Tsukasa Fujieda, signed October 19, 2010.

In particular, the present Declaration provides evidence regarding the density of texture and the flip-flop property of a coating film obtained by the method of the present invention, wherein in steps (1) and (3), the coating composition was applied in two to five stages (to a thickness of from 0.3 to 5 μm (when cured) in each stage).

The results of the Declaration reveal that the coating film obtained by the method of the present invention, wherein in steps (1) and (3), the coating composition is applied in two to five

stages (to a thickness of from 0.3 to 5 μm (when cured) in each stage), shows a highly dense texture and excellent flip-flop property.

Specifically, three experiments are presented in the Declaration: Experiment 1 (pages 8-10), Experiment 2 (pages 10-12) and Experiment 3 (pages 12-14). The results of the experiments are explained on pages 17-18. In Experiments 1 and 2, in the step of applying a luster thermosetting base coating composition (steps (1) and (3) of the claims) the composition is applied in **two** stages such that the thickness in each stage is 0.3 to 5 μm when cured. In Experiment 3, the aqueous luster coating composition is applied in **five** stages such that the thickness in each stage is 0.3 to 5 μm when cured. In all of Experiments 1-3, the highly dense texture and excellent flip-flop property were observed (see Table on page 18). These experiments therefore confirm that the unexpected results of the present invention are seen when in steps (1) and (3), the aqueous luster thermosetting base coating composition is applied in **two to five** stages such that the thickness in each stage is 0.3 to 5 μm when cured. Applicant has therefore demonstrated unexpected results for the present invention commensurate with the recited range of two to five stages in steps (1) and (3).

Accordingly, claims 1, 2, 5, 8-11, 14, 17 and 18 are not obvious over Tomioka (U.S. Pat. No. 5,079,030), Carpenter (U.S. Pat. No. 5,320,673), Takashi et al. (JP Pub. No. 2001-149857) and Noritake et al. (JP 2003-117481), taken separately or in combination.

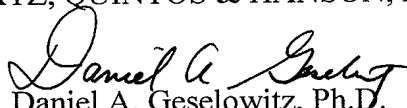
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. **10/576,193**
Response filed October 20, 2010
Reply to OA dated June 22, 2010

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP


Daniel A. Geselowitz, Ph.D.
Agent for Applicant
Reg. No. 42,573

DAG/xl

Atty. Docket No. **060321**
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930



23850

PATENT & TRADEMARK OFFICE

Enclosures: Petition for Extension of Time
Declaration under 37 CFR §1.132 signed by Mr. Tsukasa Fujieda

H:\060\060321\Response in re FOA of 06-22-10